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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,579	10/17/2003	Alan K. Forsythe	GTDV120953	2274

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THE OLLILA LAW GROUP LLC
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BOULDER, CO 80302

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/688,579	Applicant(s) FORSYTHE, ALAN K.	
	Examiner Robert J. Sandy	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 April 2007.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 13-22, 24-32 and 34-36 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 2, 9, 15, 20, 24 and 28 is/are rejected.
- 7) Claim(s) 3-8, 10, 11, 14-19, 21, 22, 25-27, 29-32 and 34-36 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

This is a **final** Office action responsive to the reply filed on 17 April 2007.

- Claims 1, 9, 13, 20, 24, 30, and 34-36 were amended.
- Claims 1-11, 13-22, 24-32, and 34-36 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 15, 20, 24 and 28, are rejected under 35 U.S.C. 102(b) as being anticipated by Shook (U. S. Patent No. 1,333,998. Shook (998) discloses a knob attachment assembly comprising: a control device housing (sleeve 1); an actuation member (ratchet 4) coupled to the control device housing, the actuation member including a first engagement surface (surface of beveled teeth 6 on clutch member 5 of ratchet 4) and a central axis (central axis along crank portion C); and a gripping device (other clutch member 5') including a first interference surface (surface of beveled teeth 7), the gripping device being selectively couplable to the actuation member and rotatable about the central axis of the actuation member between a locked position (i.e., when clutch member 5' is shifted toward and engaged to clutch member 5), wherein by interference of the first engagement surface with the first interference surface couples the gripping device to the actuation member, and an unlocked position (unlocked position shown in Fig. 1), wherein the gripping device is removable from the actuation member (when the gripping device 5' is removed from the actuation member 5 to the unlocked position shown in Fig. 1);

(concerning claim 2) the gripping device includes a key (one tooth 7) and the actuation member includes a first keyway and a second keyway (first and second keyways defined by adjacent recesses respectively between three teeth 6), wherein the gripping device may be selectively coupled upon the actuation member in either a first orientation or a second orientation (first and second orientations exist since the crank having clutch member 5' may be selectively

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rotated and engaged with the mating clutch member 5) by selectively interfacing the key with the first keyway or the second keyway;

(concerning claims 9 and 20) and further comprising; a second engagement surface (engagement surface of another adjacent tooth 6 on clutch member 5) disposed on the actuation member; a second interference surface (an interference surface of another adjacent tooth 7 on clutch member 5') disposed on the gripping device; and (c) wherein when the gripping device is in the locked position, the gripping device is additionally coupled to the actuation member by interference of the second engagement surface with the second interference surface; and

(concerning claim 13) the actuation member coupled to the control device, the actuation member including a central axis and having a first projection (tooth 6) with a first engagement surface (engaging surface of tooth 6); and the gripping device having a first protrusion (tooth 7) with a first interference surface (engaging surface of tooth 7), wherein the gripping device is adapted to be selectively keyed upon the actuation member in a first orientation or a second orientation (first and second orientations exist since the crank having clutch member 5' may be selectively rotated and engaged with the mating clutch member 5) by selective interaction of the first projection with the first protrusion, and wherein the gripping device is selectively couplable to the actuation member and is rotatable about the central axis of the actuation member between the locked position, wherein interference of the first engagement surface with the first interference surface couples the gripping device to the actuation member, and the unlocked position, wherein the gripping device is selectively removable from the actuation member.

Concerning claim 24, Shook (998) discloses a knob attachment assembly comprising: an actuation member (5) having a central axis; the actuation member including a limit stop (surface of one of the teeth 6) and a first projection (one of teeth 6); a gripping device (5') having a first protrusion (tooth 7); a locking member (engaging surface portion of tooth 7) coupled to either the actuation member or the gripping device; and wherein the gripping device is adapted to be selectively keyed upon the actuation member in either a first orientation or a second orientation (first and second orientations exist since the crank having clutch member 5' may be selectively rotated and engaged with the mating clutch member 5) by selectively interfacing of the first projection with the first protrusion, and wherein the gripping device is selectively couplable to the actuation member and is rotatable about the central axis of the actuation member between a locked position (i.e., when clutch member 5' is shifted toward and engaged to clutch member 5),

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wherein engagement of the first protrusion against the limit stop and engagement of the locking member against the first projection or the first protrusion couple the gripping device to the actuation member, and an unlocked position (position shown in Fig. 1), wherein the gripping device is selectively removable from the actuation member (when the gripping device 5' is removed from the actuation member 5 to the unlocked position shown in Fig. 1); and

(concerning claim 28) the locking member is disposed upon the gripping device or the actuation member so as to be compressed against the first projection or the first protrusion as the gripping device is transitioned from the unlocked position to the locked position (i.e., the locking member is disposed upon the engaging surface of tooth 6 when clutch member 5" is in engagement with clutch member 5).

Response to Arguments

In view of applicants amendment to the claims pertaining the phrase "resistance to rotation", the objection to the specification and the rejection(s) under 35 U.S.C. 112, second paragraph, indicated in the prior Office action each have been withdrawn.

Applicant's arguments, see page 11 of the response, filed 08 August 2007, with respect to the first engagement surface being inclined with respect to the first interference surface has been fully considered and are persuasive. The rejections of claims 3, 4, 14, 15, and 34-36 each have been withdrawn.

Applicant's arguments filed 08 August 2007 have been fully considered but they are not persuasive. Applicant's argument pertaining to "the device of Shook does not rotate between the purported locked and unlocked positions. Rather, in Shook, the transition between the purported locked and unlocked positions occurs only as a result of axial movement of the clutch member 5' relative to the ratchet 4" is not found persuasive. One can easily understand that element 5' may be partially moved axially such that the opposing teeth are spaced from one another, and then the element 5' may be rotated to contact and engage with the opposing teeth of element 5.

Applicant's arguments pertaining to shock not meeting the limitation of "an actuation member is coupled to the control device housing", is not found persuasive. The "coupling" limitation, as reasonably broadly interpreted, is met by Shook since the sleeve 1 contains the ratchet 4 therein.

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Allowable Subject Matter

Claims 3-8, 10, 11, 14-19, 21, 22, 25-27, 29-32, and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The allowability of claims 24-32 indicated in the prior Office action, are withdrawn in view of the newly discovered reference to Shook ('998), as applied in the rejections set forth in this Office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

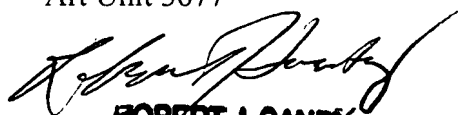
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reach on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert J. Sandy
Primary Examiner
Art Unit 3677



ROBERT J. SANDY
PRIMARY EXAMINER